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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIN GURSSLIN,

Plaintiff,

Civil Action No. 20-cv-6508

v.

THE CITY OF ROCHESTER, A MUNICIPAL ENTITY, POLICE
OFFICER JEREMY NELLIST, POLICE OFFICER JOSHUA
KELLY, COMMANDER FABIAN RIVERA, LIEUTENANT AARON
SPRINGER,

Defendants.

Video-Recorded Deposition in the Above-Titled Matter:

Sergeant Eric Alexander

Location: Alliance Court Reporting, Inc.
109 South Union Street, Suite 400
Rochester, New York 14607

Date: February 16, 2023

Time: 10:00 a.m.

Reported By: CHRISTINE VIGNA

Alliance Court Reporting, Inc.

109 South Union Street, Suite 400

Rochester, New York 14607



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A P P E A R A N C E S

Appearing Remotely on Behalf of Plaintiff:

Elliot D. Shields, Esq.

Roth & Roth LLP

192 Lexington Avenue, Suite 802

New York, New York 10016

eshields@rothandrothlaw.com

Appearing on Behalf of Defendants:

Peachie L. Jones, Esq.

City of Rochester Law Department

City Hall, Room 400A

30 Church Street

Rochester, New York 14614

peachie.jones@cityofrochester.gov

Also Present:

Kenneth Williamson, Videographer

Alliance Court Reporting, Inc.

109 South Union Street, Suite 400

Rochester, New York 14607

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1 S T I P U L A T I O N S

2 THURSDAY, FEBRUARY 16, 2023;

3 (Proceedings in the above-titled matter
4 commencing at 10:15 a.m.)

5 * * *

6 IT IS HEREBY STIPULATED by and between the
7 attorneys for the respective parties that this
8 deposition may be taken by the Plaintiff at this time
9 pursuant to subpoena;

10 IT IS FURTHER STIPULATED, that all
11 objections except as to the form of the questions and
12 responsiveness of the answers, be reserved until the
13 time of the trial;

14 IT IS FURTHER STIPULATED, that pursuant to
15 Federal Rules of Civil Procedure 30(e)(1) the witness
16 requests to review the transcript and make any
17 corrections to same before any Notary Public;

18 IT IS FURTHER STIPULATED, that if the
19 original deposition has not been duly signed by the
20 witness and returned to the attorney taking the
21 deposition by the time of trial or any hearing in this
22 cause, a certified transcript of the deposition may be
23 used as though it were the original;

24 IT IS FURTHER STIPULATED, that the
25 attorneys for the parties are individually responsible



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1 P R O C E E D I N G S

2 for their certified transcript charge, including any
3 expedite or other related production charges;4 AND IT IS FURTHER STIPULATED, that the
5 Notary Public, CHRISTINE VIGNA, may administer the
6 oath to the witness.

7 * * *

10:14:55 8 THE VIDEOGRAPHER: We are on the record.
10:14:56 9 The time is 10:15 a.m. on Thursday, February 16, 2023.
10:15:04 10 My name is Ken Williamson for Alliance Court Reporting
10:15:08 11 located at 109 South Union Street, Rochester, New
10:15:13 12 York. We are located today at Alliance Court
10:15:16 13 Reporting. And we are -- we have one attorney
14 virtually.

10:15:19 15 We are about to begin the video-recorded
10:15:22 16 deposition of Sergeant Eric Alexander in the matter of
10:15:28 17 Erin Gursslin, Plaintiff, versus The City of
18 Rochester, a Municipal Entity, Police Officer Jeremy
19 Nellist, Police Officer Joshua Kelly, Commander Fabian
20 Rivera, Lieutenant Aaron Springer, Defendants.

10:15:45 21 Today's matter is being video-recorded on
10:15:47 22 behalf of the Plaintiffs. Counsel, please state your
10:15:51 23 appearances for the record and please begin with the
10:15:53 24 noticing attorney.

10:15:55 25 MR. SHIELDS: Good morning. This is

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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:36:18 2 your -- there's a -- I wouldn't say -- there's
12:36:21 3 multiple written tests throughout it. It's a
12:36:25 4 pass-fail based on your -- based on those tests and
12:36:27 5 your successful completion of the school.

12:36:30 6 Q. Got it.

12:36:30 7 For the RPD, is that something that you're
12:36:35 8 only at that training with other RPD officers or would
12:36:40 9 there be like sheriff's deputies there too?

12:36:44 10 A. It's situationally dependent. It's a New
12:36:45 11 York State-certified school. We and other -- other
12:36:49 12 agencies can be there.

12:36:50 13 Q. So it's like the academy?

12:36:53 14 A. Yeah. Yes.

12:36:55 15 Q. Okay. At the academy, did you learn
12:36:59 16 anything about interacting with dogs?

12:37:01 17 A. I don't --

12:37:02 18 MS. JONES: Objection.

12:37:02 19 A. -- I don't recall.

12:37:03 20 Q. Okay. So nothing stands out to you?

12:37:07 21 A. No.

12:37:07 22 Q. Okay. Do you remember if at the academy
12:37:15 23 you learned anything about dog behavior?

12:37:18 24 A. I don't recall.

12:37:18 25 Q. At the academy, were you trained that you



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12:37:25 2 could shoot a dog if you were afraid?

12:37:27 3 MS. JONES: Objection.

12:37:29 4 A. Again, I think that goes back to the last
12:37:30 5 question. I don't -- I don't recall.

12:37:31 6 Q. Do you recall anything about your training
12:37:36 7 at the academy regarding dogs?

12:37:39 8 A. No. No, sir. I don't -- again, I don't
12:37:43 9 recall if it did or did not happen.

12:37:45 10 Q. Okay. All right. Since the academy, not
12:37:59 11 including SWAT, what training have you received about
12:38:02 12 interacting with dogs?

12:38:03 13 A. I believe there was a roll call training
12:38:07 14 and another training from the Humane Society that
12:38:11 15 was --

12:38:12 16 Q. Tell me everything -- tell me everything
12:38:14 17 you remember about those trainings.

12:38:15 18 A. I think just dog posture and their -- how
12:38:22 19 to possibly identify their demeanor. And that's
12:38:26 20 basically it. Yup.

12:38:28 21 Q. Okay. That was basically what you
12:38:29 22 remember from those trainings?

12:38:31 23 A. Yes.

12:38:32 24 Q. Was one -- one was an in-service training?

12:38:36 25 A. I believe it was an in-person. Yes. I



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:38:40 2 believe so.

12:38:40 3 Q. Okay. Do you remember when that was?

12:38:43 4 A. No.

12:38:43 5 Q. Okay. And that was about dealing with
12:38:49 6 aggressive dogs?

12:38:51 7 MS. JONES: Objection.

12:38:51 8 A. About -- about dogs in general. I don't
12:38:53 9 know what the purpose or -- about -- it was about
12:38:56 10 dogs. I don't know if there was anything other
12:38:58 11 attached to it.

12:38:59 12 Q. Okay. And what you remember about that
12:39:03 13 training is just about the dog posture? Is that what
12:39:06 14 you said?

12:39:06 15 MS. JONES: Objection.

12:39:07 16 A. Again, I think -- I think basically just
12:39:09 17 how to identify possible demeanor.

12:39:13 18 Q. Okay. And what do you remember about how
12:39:15 19 to identify possible demeanor?

12:39:17 20 A. Just how a dog is, their -- their posture,
12:39:21 21 their body position, maybe what -- what they're doing
12:39:24 22 is showing how -- how they may react.

12:39:27 23 Again, I'm not a Humane Society person,
12:39:30 24 but, you know, they explained how these are all
12:39:34 25 possible things to identify.



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12:39:35 2 Q. Okay. All right. I'll ask you some more
12:39:41 3 questions about that later.

12:39:43 4 What about the annual firearms training,
12:39:47 5 does that involve dog-shooting scenarios?

12:39:50 6 A. I don't recall. I don't believe so.

12:39:55 7 Q. Okay. And in addition to that in-service
12:40:03 8 training, I think you said there was one other
12:40:05 9 training you remembered?

12:40:06 10 A. I believe there was something that
12:40:08 11 was -- it was a version of that called roll call
12:40:12 12 training.

12:40:13 13 Q. Okay. Do you remember when that was?

12:40:14 14 A. No.

12:40:15 15 Q. Okay. But after the first training?

12:40:19 16 A. I -- I'm not sure.

12:40:21 17 Q. Okay.

12:40:23 18 A. I don't know which one was first or
12:40:25 19 second.

12:40:25 20 Q. And a roll call would be like five minutes
12:40:28 21 where they would show a PowerPoint or something?

12:40:31 22 MS. JONES: Objection.

12:40:31 23 But go ahead.

12:40:32 24 A. Correct.

12:40:33 25 Q. All right. Now, in your SWAT training,



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:40:42 2 tell me everything that you've received about
12:40:45 3 interactions with dogs.

12:40:47 4 A. How to use a catchpole.

12:40:50 5 Q. Okay. Anything else?

12:40:53 6 A. No.

7 (The following exhibit was marked for
12:40:53 8 identification: Number EXH 6.)

12:40:53 9 Q. Okay. All right. Just for the record, I
12:40:58 10 want to put up what we'll mark as Exhibit 6. And
12:41:04 11 it's, I believe, the -- well, it's a document entitled
12:41:09 12 "Catchpole" that the city produced in this case.

12:41:15 13 All right. And, Sergeant, do you see on
12:41:18 14 your screen this first page that just says
12:41:22 15 "Catchpole"?

12:41:22 16 A. Correct.

12:41:23 17 Q. Have you seen this document before?

12:41:25 18 A. I would have to see the rest of it.

12:41:28 19 I don't -- I don't recall or not.

12:41:30 20 Q. Sure.

12:41:32 21 So this is a ten-page document. Here's
12:41:36 22 the second page entitled "Ketch" with a K, K-E-T-C-H,
12:41:43 23 "All Pole."

12:41:43 24 A. Okay. Yeah. That's just describing what
12:41:48 25 a catchpole is. And it's -- it looks like what the



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12:41:52 2 parts and pieces are.

12:41:55 3 Q. Okay. Do you remember seeing that page
12:41:57 4 previously?

12:41:58 5 A. Again, it -- my memory is that we received
12:42:03 6 training in it. I can't tell you what all the slides
12:42:06 7 are.

12:42:07 8 Q. Okay. Do you remember when you received
12:42:08 9 the catchpole training?

12:42:10 10 A. No.

12:42:11 11 Q. Okay. "Application" is the next page,
12:42:17 12 which is marked COR 180. And for the record, the
12:42:21 13 first page of this document is COR 178.

12:42:27 14 Do you -- I'm sorry. So we were on
12:42:32 15 "Application." Do you remember this page from your
12:42:33 16 training?

12:42:34 17 A. Again, sir, I can't tell you if I remember
12:42:37 18 all the pages. I know how to use -- how to use the
12:42:40 19 catchpole, which I think is what this was. The goal
12:42:44 20 was to teach us how to use the catchpole. Again, I
12:42:48 21 can't tell you what is on page 12 or 15 of this.

12:42:51 22 Q. Okay. So let's just scroll through the
12:42:54 23 pages and see if generally you remember this document.

12:42:59 24 So the next page COR 181, it says "Not
12:43:03 25 Going According to Plan, Pre-Application." And then



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12:43:07 2 the next page, 182, "Not Going According to Plan,
12:43:12 3 Post-Application." And then the next page, 183,
12:43:18 4 "Leash Applications." And the next page, 184, there's
12:43:21 5 one -- two, three, four -- five images.

12:43:24 6 A. Okay.

12:43:25 7 Q. And then 185 says "Other Equipment." And
12:43:32 8 then it says "Snare, Y Pole, animalcare.com." And
12:43:36 9 then the last page is "Resources."

12:43:39 10 So it's actually a nine-page document and
12:43:42 11 then there's a different document after that. So this
12:43:45 12 one, Exhibit 6, ends at COR 186. So after scrolling
12:43:52 13 through all those pages, Sergeant, do you remember
12:43:54 14 previously seeing this document?

12:43:56 15 A. Yes.

12:43:57 16 Q. Okay. And is the only time that you
12:44:03 17 previously saw this document at the catchpole training
12:44:06 18 that you got?

12:44:07 19 MS. JONES: Objection.

12:44:08 20 But go ahead.

12:44:10 21 A. This document, yes.

12:44:12 22 Q. Okay. Have you ever had to use the
12:44:14 23 catchpole?

12:44:14 24 A. Yes.

12:44:15 25 Q. How many times?



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:44:17 2 A. I don't know. I can't give you a number.
12:44:20 3 I've used it before.

12:44:21 4 Q. Okay. More than one?

12:44:22 5 A. Yes.

12:44:23 6 Q. Was it effective?

12:44:26 7 MS. JONES: Objection.

12:44:27 8 But go ahead.

12:44:28 9 A. Both effective and ineffective in my -- in
12:44:31 10 my uses.

12:44:31 11 Q. Okay. When it was ineffective, what
12:44:39 12 happened?

12:44:39 13 A. The dog was just out of control. We
12:44:42 14 weren't able to get the dog on the catchpole.

12:44:44 15 Q. Okay. Did -- did anyone end up shooting
12:44:49 16 the dog?

12:44:49 17 A. I don't recall. I don't believe so.

12:44:53 18 Q. Okay. So the catchpole didn't work but
12:44:56 19 the officers were able to avoid shooting the dog?

12:45:00 20 A. I believe so, yes.

12:45:00 21 Q. Okay. Do the SWAT team members carry, in
12:45:10 22 addition to a catchpole, a leash?

12:45:12 23 A. No.

12:45:13 24 Q. How about any of the other equipment
12:45:25 25 mentioned like the snare or the Y pole here on page



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:45:28 2 185?

12:45:28 3 A. No.

4 (The following exhibit was marked for
12:45:28 5 identification: Number EXH 7.)

12:45:28 6 Q. Okay. Okay. I'm going to move on to
12:45:44 7 Exhibit 7, which is actually the last page, the -- the
12:45:50 8 tenth page on the prior document but we'll mark that
12:45:54 9 as a separate exhibit, Exhibit 7.

12:45:57 10 So this says "Special Weapons and Tactics,
12:46:02 11 Entry Team Training Schedule, Tuesday, 2/7/17."

12:46:07 12 Is that what you're seeing on your screen
12:46:10 13 right now, Sergeant?

12:46:11 14 A. Correct.

12:46:12 15 Q. Okay. Now, it's mostly redacted, but it
12:46:16 16 says that at 11:30 on that day there was a dog
12:46:23 17 catchpole training that was a quarter-hour long. The
12:46:28 18 location was Brooks. The instructor was Jimenez. And
12:46:34 19 then it lists that Kelly and Nellist were present for
12:46:39 20 that training.

12:46:40 21 Do you remember if maybe that was the date
12:46:43 22 that you took the training as well or do you think you
12:46:45 23 took it on a different date?

12:46:47 24 A. That may be the same day.

12:46:50 25 Q. Okay. Do you remember taking your



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:46:54 2 training with Kelly and Nellist?

12:46:57 3 MS. JONES: Objection.

12:46:58 4 But go ahead.

12:46:59 5 A. Again, I believe so. This would have been
12:47:01 6 done as a -- as a team.

12:47:03 7 Q. Okay. And this document that we're
12:47:05 8 looking at right now, that's like a specific SWAT team
12:47:11 9 training, I guess, roster document?

12:47:15 10 A. Correct.

12:47:15 11 Q. Okay. So would that be something
12:47:19 12 different from if there was a training that was
12:47:22 13 required for every member of the department?

12:47:24 14 A. Correct.

15 (The following exhibit was marked for
12:47:24 16 identification: Number EXH 8.)

12:47:24 17 Q. Okay. So I want to move on and put up a
12:47:34 18 different document that we'll mark as Exhibit 8 and
12:47:39 19 the city produced this document in this case. The
12:47:43 20 first Bates number is COR GUR 01669. And it's
12:47:53 21 partially redacted on the first page, but it says
12:47:59 22 "Observation, Surveillance and Communications."

12:48:02 23 And, Sergeant, have you seen this document
12:48:03 24 before?

12:48:04 25 A. I don't recall when.



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:48:09 2 Q. Okay. Does this look like a SWAT team
12:48:14 3 document?

12:48:14 4 A. Can you scroll it for me?

12:48:16 5 Well, yes. It's published by us,
12:48:19 6 our -- our RPD SWAT team is on the front.

12:48:24 7 Q. Okay. So on -- on page 2 here or COR
12:48:33 8 1670, it describes scouting as "the act of performing
12:48:39 9 an exploratory survey or examination, as in seeking
12:48:45 10 out information about a target location, its
12:48:49 11 surroundings and individuals involved."

12:48:50 12 I asked you this a little bit before.
12:48:52 13 Actually, let me -- yeah. Okay. Let me -- let me
12:48:54 14 just ask you. Is that basically your understanding of
12:48:57 15 what scouting means?

12:49:00 16 A. Correct.

12:49:00 17 Q. Okay. Is that something that's done
12:49:04 18 before every incident?

12:49:05 19 A. Correct.

12:49:06 20 Q. Okay. And it says would also conduct
12:49:13 21 during planning stage.

12:49:16 22 All right. So then page 5, it says
12:49:23 23 "Pre-Surveillance Scout." So I guess my first
12:49:27 24 question is -- when I say "page 5," that's page 5 of
12:49:32 25 the PDF, which is Bates number COR GUR 1673.



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:49:41 2 So my question is, first -- this says
12:49:48 3 "Pre-Surveillance Scout." Is that different from what
12:49:50 4 we saw on the prior page that just said scouting or is
12:49:53 5 scouting generally just, you know, one thing? Is it
12:49:55 6 referring to the same thing?

12:49:56 7 A. The prior page was the definition of a
12:50:01 8 scout.

12:50:04 9 Q. Okay. And then pre-surveillance scout,
12:50:08 10 this one is just more detail about the things that
12:50:10 11 should be done during the scout?

12:50:13 12 A. Correct.

12:50:15 13 MR. SHIELDS: Okay.

12:50:15 14 MS. JONES: Just for the record, I'm
12:50:17 15 marking all the questions about this document, Exhibit
12:50:19 16 8, as confidential since we're talking about a
12:50:24 17 document that's been marked as confidential.

12:50:26 18 MR. SHIELDS: Sure.

12:50:27 19 Q. Okay. And I think the majority of the
12:50:35 20 remainder of this document is marked as redacted, but
12:50:40 21 I have a couple of questions.

12:50:51 22 Okay. So starting at page COR GUR 1691,
12:50:57 23 which is entitled "Vehicular Sniper Hides" and then it
12:51:06 24 goes on to 1694 for "Urban Sniper Hides" and then at
12:51:14 25 1697 "Rural Exterior Sniper Hides." So I guess my



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:51:20 2 question generally is, would it just be situationally
12:51:25 3 dependent on what type of sniper hide is chosen for
12:51:29 4 which type of incident?

12:51:30 5 A. I guess you would have to refer to a
12:51:33 6 sniper. I'm not a -- on the sniper team nor am I a
12:51:37 7 certified sniper.

12:51:38 8 Q. Okay. So would it be the sniper team that
12:51:41 9 chooses the location where they hide and what type of
12:51:45 10 sniper hides would be used at any incident?

12:51:47 11 MS. JONES: Objection.

12:51:49 12 But go ahead.

12:51:49 13 A. In general, yes.

12:51:50 14 Q. Okay. So the rest of the team wouldn't be
12:51:52 15 involved in making that decision?

12:51:54 16 A. Correct.

12:51:55 17 Q. Okay. Would the commander be involved in
12:51:59 18 making that decision?

12:52:00 19 MS. JONES: Objection.

12:52:00 20 But go ahead.

12:52:02 21 A. He would in the end, I would think, know
12:52:05 22 where they're going and approve it if he saw any
12:52:10 23 errors or anything that needed to be adjusted. That
12:52:12 24 would be mentioned prior to the execution of it.

12:52:20 25 Q. Okay. In your experience as a police



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:52:34 2 officer since 2005, what percentage of residential
12:52:42 3 properties in the city have dogs?

12:52:45 4 A. I can't answer that. I don't know.

12:52:48 5 Q. On an average week, what percentage of
12:52:56 6 residential properties that you respond to have dogs?

12:52:59 7 MS. JONES: Objection.

12:53:02 8 But go ahead.

12:53:02 9 A. Again, it changes. I can't -- I can't
12:53:07 10 give you a number.

12:53:07 11 Q. Okay. When's the last time that you
12:53:10 12 responded to a property that had a dog?

12:53:13 13 A. Probably last -- my last wheel, so last
12:53:23 14 week.

12:53:23 15 Q. Okay. And were there more than one -- was
12:53:29 16 there more than one time last week that you responded
12:53:33 17 to a property that had a dog?

12:53:35 18 A. I don't recall. I can't give you a
12:53:37 19 number.

12:53:37 20 Q. Okay. Is it a high number, a high
12:53:42 21 percentage of properties or only a few?

12:53:45 22 MS. JONES: Objection.

12:53:46 23 But go ahead.

12:53:47 24 A. A high number.

12:53:48 25 Q. More than half?



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

12:53:50 2 MS. JONES: Objection.

12:53:51 3 A. Again, I can't give you a number.

12:53:56 4 Q. And you've been an officer since 2005,
12:53:59 5 right?

12:53:59 6 A. Correct.

12:54:00 7 Q. And a large part of your job is responding
12:54:05 8 to calls or other incidents at people's homes?

12:54:08 9 MS. JONES: Objection.

12:54:09 10 But go ahead.

12:54:09 11 A. Correct.

12:54:10 12 Q. And a lot of the time when you respond to
12:54:14 13 somebody's home there's a dog present?

12:54:15 14 MS. JONES: Objection.

12:54:16 15 A. Correct.

12:54:17 16 Q. And would -- would you say it's more often
12:54:23 17 than not that there's a dog at the property?

12:54:25 18 MS. JONES: Objection.

12:54:27 19 But go ahead.

12:54:27 20 A. Correct.

12:54:28 21 Q. Okay. And based on your 18 years of
12:54:43 22 experience, have you ever heard of an RPD officer
12:54:46 23 being disciplined in any way for shooting a dog?

12:54:50 24 MS. JONES: Objection.

12:54:51 25 A. I'm not privy to officers' discipline.



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12:54:56 2 Q. Sure.

12:54:58 3 Now, you're friends with other officers,
12:55:02 4 right?

12:55:03 5 A. Of course.

12:55:04 6 Q. Have any of your other -- are you aware
12:55:09 7 through your friendships with other officers or in any
12:55:12 8 other way of anybody ever being disciplined for any
12:55:15 9 reason?

12:55:15 10 A. For any reason?

12:55:18 11 Q. Yeah.

12:55:18 12 A. In the -- in the RPD?

12:55:20 13 Q. Correct.

12:55:21 14 A. Yeah. Many people have been disciplined.

12:55:24 15 Q. Are you aware through any source of any
12:55:30 16 person ever being disciplined in any way for shooting
12:55:36 17 a dog?

12:55:36 18 A. I don't recall.

12:55:36 19 Q. You don't recall or no?

12:55:37 20 A. I don't -- I don't -- I don't know if
12:55:40 21 anyone has been disciplined.

12:55:42 22 Q. I'm not asking you if you know. I'm just
12:55:45 23 asking you if you're aware of.

12:55:47 24 MS. JONES: Objection.

12:55:48 25 A. I'm not aware of anyone that I know being



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12:55:51 2 disciplined by -- for engaging with a dog.

12:55:54 3 Q. And based on your 18 years of experience,
12:55:59 4 have you ever heard of an officer being required to
12:56:02 5 get additional training of any kind because they shot
12:56:06 6 a dog?

12:56:07 7 MS. JONES: Objection.

12:56:07 8 A. I don't know. I'm not privy to individual
12:56:10 9 officer's personnel files.

12:56:11 10 Q. Okay. So I'm just asking you about what
12:56:15 11 you are aware of.

12:56:17 12 So are you aware of anybody ever having to
12:56:21 13 get additional training because they shot a dog?

12:56:24 14 A. No. I'm not aware.

12:56:26 15 Q. And how would you describe the general
12:56:32 16 attitude within the department about dogs being shot?

12:56:36 17 MS. JONES: Objection.

12:56:37 18 A. We do everything we can to make sure dogs
12:56:40 19 aren't shot.

12:56:41 20 Q. Okay. So it would be frowned upon when a
12:56:45 21 dog is shot?

12:56:46 22 A. It's not --

12:56:46 23 MS. JONES: Objection.

24 A. -- it's not frowned upon. It's last
12:56:50 25 resort.



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12:56:50 2 Q. Have you ever heard of an incident where,
12:56:56 3 you know, either a person -- another officer who shot
12:57:01 4 a dog where their supervisor said, you know, something
12:57:04 5 could have been done differently to avoid shooting the
12:57:07 6 dog?

12:57:07 7 MS. JONES: Objection.

12:57:08 8 A. Nothing that I've been a part of,
12:57:10 9 incidents that I have been a part of.

12:57:13 10 Q. What has the department done to try and
12:57:16 11 reduce the number of dogs that are shot?

12:57:18 12 MS. JONES: Objection.

12:57:19 13 But go ahead.

12:57:20 14 A. They have given us training in regards to
12:57:24 15 demeanor of dogs. We have access to some things that
12:57:29 16 are possibilities of use.

12:57:30 17 But again, it's -- we have to understand
12:57:34 18 that those can only be applied when it's safe to do so
12:57:37 19 and we can make a plan to do that. If a dog presents
12:57:40 20 itself in a manner of which it's attacking someone
12:57:43 21 right away, those -- those things may or may not be
12:57:46 22 able to be used.

12:57:47 23 MR. SHIELDS: Okay. So I'm just going to
12:57:48 24 move to strike the nonresponsive portion of the
25 answer.



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12:57:53 2 Q. It sounded like you said you got some
12:57:55 3 training and there's some various different types of
12:57:58 4 equipment that can be used. Is -- is that your
12:58:00 5 answer?

12:58:00 6 A. Yeah. Yeah. I guess so.

12:58:02 7 Q. Okay. Other than the equipment that you
12:58:08 8 spoke about earlier, the foam baton and the catchpole,
12:58:13 9 is there any other equipment that they provided to
12:58:17 10 help you try to avoid shooting a dog?

12:58:20 11 A. We have a less lethal shotgun called a
12:58:25 12 beanbag gun.

12:58:26 13 Q. Are you aware of anybody ever using the
12:58:30 14 beanbag gun on a dog?

12:58:31 15 A. Not that I recall. But again, I'm not
12:58:34 16 privy to everyone's personnel files or incidents.

12:58:39 17 Q. Did you ever get training where you were
12:58:42 18 told that the beanbag gun is an option to use against
12:58:47 19 a dog?

12:58:48 20 A. I don't recall.

12:58:51 21 Q. So you might have, but you don't remember?

12:58:57 22 A. Correct.

12:58:57 23 MS. JONES: Objection.

12:58:57 24 Q. Did you ever get training on the use of
12:59:00 25 the beanbag gun generally?



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12:59:02 2 A. Yes. We have to recertify on it every
12:59:05 3 year.

12:59:06 4 Q. Okay. Is that part of your firearms
12:59:08 5 training?

12:59:08 6 A. Correct.

12:59:09 7 Q. So is every officer in the department
12:59:12 8 certified to use the beanbag gun?

12:59:15 9 A. If they pass the qualification, yes.

12:59:18 10 Q. Okay. If they fail that qualification,
12:59:23 11 can they remain an officer in good standing and just
12:59:29 12 not be allowed to use that beanbag gun?

12:59:33 13 A. They all at some point -- they have to
12:59:37 14 re-qualify to be an active police officer.

12:59:37 15 Q. Okay. So the answer would be no?

12:59:39 16 A. Correct.

12:59:39 17 Q. If they don't re-qualify, they can't
12:59:42 18 continue working as an officer?

12:59:44 19 A. Correct.

12:59:45 20 MS. JONES: Objection.

12:59:45 21 Q. To your knowledge, what's the review
12:59:53 22 process when a dog is shot?

12:59:56 23 A. A review process?

12:59:58 24 Q. Correct.

12:59:58 25 A. So me, as a sergeant, I would respond out



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01:00:01 2 there. Speak to the officer. Watch the body cam
01:00:06 3 footage. Make sure everything happened in accordance
01:00:09 4 of RPD policy? And then I notify my -- my superior
01:00:12 5 officer and Professional Standards Section
01:00:14 6 that -- that a firearm was used.

01:00:16 7 Q. Okay. And then what does Professional
01:00:22 8 Standards Section do?

01:00:23 9 A. I don't know.

01:00:23 10 Q. Okay. So you never -- in your role as the
01:00:28 11 supervisor, as a sergeant, have you ever had to
01:00:31 12 communicate with the Professional Standards Section
01:00:34 13 about a dog being shot?

01:00:36 14 MS. JONES: Objection.

01:00:37 15 But go ahead.

01:00:37 16 A. Yes. I notify that an officer fired a
01:00:41 17 weapon and shot a dog. And that's as far as it goes
01:00:46 18 for me in regards to interacting with the Professional
01:00:53 19 Standards Section.

01:00:53 20 Q. Okay. Aside from a dog shooting, have you
01:00:55 21 had to report other incidents like use of force
01:00:58 22 against a person to the Professional Standards
01:01:01 23 Section?

01:01:01 24 A. Every use of force against a person
01:01:04 25 generates a report and then sum and substance



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2 goes -- goes to them.

3 Q. Have there ever been any instances -- any
01:01:12 4 use of force instances where after you reported to PSS
01:01:17 5 they come back and need more information from you
01:01:21 6 about the incident?

01:01:21 7 A. From me personally, no.

01:01:23 8 Q. Okay. Have you ever been interviewed by
01:01:27 9 PSS in your role as a sergeant about something you've
01:01:31 10 had to report to them?

01:01:32 11 MS. JONES: Objection.

01:01:33 12 A. I guess I'm confused. As in information
01:01:38 13 missing?

01:01:38 14 Q. As in, you know, not using the person who
01:01:43 15 used force, but as the supervisor who reported an
01:01:47 16 incident. Has PSS ever come back to you to talk to
01:01:51 17 you for any reason about the incident?

01:01:55 18 MS. JONES: Objection.

01:01:55 19 A. No. Everything that I've referred to PSS
01:01:59 20 has been within policy and procedure.

01:02:02 21 Q. Okay. Now, I'm not trying to say, you
01:02:06 22 know, only limited to instances where they might have
01:02:09 23 found something to not be within policy or procedure,
01:02:13 24 just did they ever for any reason need more
01:02:16 25 information from you or want to talk to you about



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01:02:19 2 maybe the subject officer for any reason?

01:02:21 3 MS. JONES: Objection.

01:02:23 4 A. No. If that would come up, they would
01:02:24 5 have addressed me. But I never -- I haven't had to
01:02:27 6 deal with that with them.

01:02:28 7 Q. Okay. In addition to PSS, does the
01:02:43 8 Professional Development Section review dog shooting
01:02:47 9 incidents?

01:02:48 10 MS. JONES: Objection.

01:02:48 11 A. I don't recall. They're in
01:02:52 12 charge of -- they're in charge of development training
01:02:54 13 for the -- development training and records for -- for
01:02:56 14 us.

01:02:56 15 Q. Okay. So you don't know?

01:02:59 16 A. No. I don't know.

01:03:00 17 MS. JONES: Objection.

01:03:01 18 Q. Do you know if PDS is -- reviews use of
01:03:06 19 force incidents?

01:03:09 20 A. I believe they do.

01:03:10 21 Q. Okay. So -- so if there's a use of force
01:03:16 22 incident, both PSS and PDS would review it?

01:03:20 23 A. Yes.

01:03:21 24 Q. Okay. And do you know if that happens,
01:03:25 25 for instance, where dogs are shot also?



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01:03:28 2 A. A use of force is only against a person.
01:03:33 3 It's not -- there's no use of force report generated
01:03:36 4 for a dog because it's not a person. A use of force
01:03:40 5 report is generated for people, not dogs.

01:03:42 6 Q. Okay. So you don't know if both PDS and
01:03:46 7 PSS review incidents where dogs are shot?

01:03:49 8 MS. JONES: Objection.

01:03:50 9 A. Correct.

01:03:53 10 Q. Okay. I'm just trying to figure out if
01:03:56 11 it's the same review process where a dog is shot,
01:03:58 12 for -- if there was a use of force incident.

01:04:01 13 A. A use of -- I think just for
01:04:03 14 clarification, a use of force against a person
01:04:06 15 generates a subject -- SRR, subject resistance report.
01:04:12 16 That goes to PDS and PSS.

01:04:13 17 I believe a -- a dog shot isn't -- it's
01:04:16 18 a -- it's a non-criminal incident report generated and
01:04:19 19 then PSS is notified of a firearms discharge, if
01:04:25 20 that's clarification.

01:04:26 21 Q. Got it. Yes. Thank you.

01:04:34 22 Other than the two dog shooting incidents
01:04:37 23 we spoke about earlier, have you ever shot any other
01:04:41 24 dogs?

01:04:42 25 MS. JONES: Objection.



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01:04:42 2 A. No.

01:04:43 3 Q. Have you ever been sued before?

01:04:51 4 A. In the department?

01:04:54 5 MS. JONES: Objection.

01:04:56 6 Q. For anything having to do as your role as
01:04:59 7 a police officer.

01:04:59 8 A. Yes.

01:05:00 9 Q. Okay. Did you have to testify at any of
01:05:05 10 those prior lawsuits?

01:05:06 11 A. No.

01:05:06 12 Q. Okay. Do you remember the name of any of
01:05:11 13 those cases?

01:05:12 14 A. No.

01:05:12 15 Q. Was it once or more than once?

01:05:15 16 A. I can recall two.

01:05:17 17 Q. Do you remember when those lawsuits were
01:05:21 18 filed?

01:05:22 19 A. No.

01:05:22 20 Q. Was it like within the last year or many
01:05:29 21 years ago?

01:05:30 22 MS. JONES: Objection.

01:05:30 23 A. I believe many years ago.

01:05:34 24 Q. Okay. Have you ever received any training
01:05:47 25 about de-escalation during interactions with dogs?



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01:05:53 2 MS. JONES: Objection.

01:05:53 3 But go ahead.

01:05:54 4 A. I believe it was -- just going to refer
01:05:56 5 back to the prior Humane Society and the roll call
01:06:01 6 thing.

01:06:01 7 Q. Okay. Does the RPD require officers to
01:06:05 8 use de-escalation techniques in situations with
01:06:08 9 aggressive people?

01:06:10 10 A. When it's applicable. When it's possible,
01:06:12 11 yeah.

01:06:12 12 Q. So there's -- okay.

01:06:16 13 Does the RPD permit officers to shoot a
01:06:28 14 dog if they're afraid?

01:06:32 15 MS. JONES: Objection.

01:06:32 16 But go ahead.

01:06:33 17 A. If an officer can articulate that they
01:06:38 18 were afraid because the dog was attacking them or
01:06:41 19 about to attack them, then yes, shooting a dog is
01:06:45 20 applicable.

01:06:45 21 Q. Okay. You said if they're -- if the dog
01:06:50 22 was going to attack them or about to attack them. Is
01:06:54 23 that what you said?

01:06:55 24 A. I guess either in the midst of being bit
01:07:00 25 or about to be bit. That's -- I guess that's how I



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01:07:02 2 would categorize it --

01:07:03 3 Q. Okay. And --

01:07:05 4 A. -- or protecting somebody else
01:07:08 5 from -- from that.

01:07:08 6 Q. How would the officer determine if the dog
01:07:12 7 is about to bite somebody?

01:07:15 8 A. Again, it's a situational assessment of
01:07:19 9 every -- of every incident.

01:07:24 10 Q. And what kind of objective factors would
01:07:28 11 you consider?

01:07:28 12 A. I would say the distance from a dog to the
01:07:33 13 person, their -- the dog's demeanor. The ability to
01:07:36 14 move or retreat in an effort to get away from the dog
01:07:40 15 or if that can't happen. And I would say primarily is
01:07:43 16 it -- is the dog attacking me, another officer or an
01:07:49 17 innocent third party.

01:07:50 18 Q. Okay. So if the dog is attacking, then
01:07:55 19 you can shoot it, right?

01:07:57 20 MS. JONES: Objection.

01:07:58 21 But go ahead.

01:07:58 22 A. Or displaying the signs of -- to do so
01:08:02 23 knowing how fast a dog can close the distance.

01:08:05 24 Q. Okay. What kind of signs?

01:08:07 25 A. Their aggressive posture. Their demeanor.



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01:08:10 2 How -- how they're -- how they're reacting.

01:08:15 3 That's -- I guess that's my best explanation.

01:08:17 4 Q. So let's say a dog is standing 10 feet
01:08:22 5 away from you and it barks, can you shoot the dog?

01:08:26 6 A. No. I would not shoot the dog.

01:08:31 7 Q. Okay. But if the dog is 10 feet away from
01:08:37 8 you, it barks and then it starts to run at you, then
01:08:40 9 you can shoot the dog?

01:08:42 10 MS. JONES: Objection.

01:08:43 11 But go ahead.

01:08:43 12 A. I would try to create space and maybe yell
01:08:48 13 at it. But if it closes space to the point where
01:08:49 14 they're coming at me and I had no other means, I
01:08:51 15 would -- yeah. I would shoot the dog.

01:08:53 16 Q. Would you consider potentially trying to
01:09:00 17 use pepper spray instead of shooting the dog?

01:09:04 18 A. Those are all options. Again, they're all
01:09:06 19 options. It's a matter of how much time we have
01:09:08 20 to -- to deploy those -- deploy those tactics.

01:09:12 21 Q. Were you ever trained that pepper spray
01:09:16 22 might work against a dog?

01:09:17 23 A. I don't recall if...

01:09:21 24 Q. Okay. Do you recall if part of your
01:09:36 25 firearms training involved shooting dogs?



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01:09:42 2 MS. JONES: Objection.

01:09:44 3 Go ahead.

01:09:44 4 A. Again, I don't recall if we ever trained
01:09:48 5 specifically to -- to shoot a dog.

01:09:49 6 Q. Did you ever receive a training where a
01:09:55 7 barrel was tied to a rope and that rope was pulled to
01:10:00 8 simulate a dog running at you at a fast speed?

01:10:03 9 A. That's possible early in my career maybe.
01:10:07 10 I -- I don't -- I don't recall. Again, you would have
01:10:09 11 to refer to PDS for what trainings that were given to
01:10:13 12 us. I don't recall.

01:10:14 13 Q. Okay. Now, on the flip side, you were
01:10:22 14 never told that you're not allowed to shoot a dog,
01:10:25 15 right?

01:10:25 16 MS. JONES: Objection.

01:10:26 17 A. Well, the goal is to stay within policy
01:10:30 18 and procedure.

01:10:31 19 Q. So the answer is no?

01:10:38 20 MS. JONES: Well, objection.

01:10:39 21 A. I guess if you -- every -- it's
01:10:42 22 situationally dependent. But we're told that
01:10:43 23 we -- your question is have we ever been
01:10:45 24 trained -- told that we cannot shoot dogs? Is that
25 the question?



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2 Q. Correct.

01:10:49 3 A. Correct. No. I've never been told I
01:10:51 4 cannot shoot a dog.

01:10:52 5 Q. And firing a gun, that constitutes the use
01:11:01 6 of deadly force, right?

01:11:04 7 MS. JONES: Objection.

01:11:04 8 But go ahead.

01:11:05 9 A. Toward -- yeah. Correct.

10 (The following exhibit was marked for
01:11:07 11 identification: Number EXH 9.)

01:11:07 12 Q. All right. I want to just put up the next
01:11:13 13 exhibit. It's going to be Exhibit 9 and it's General
01:11:16 14 Order 340. And I just have a couple of questions on
01:11:21 15 that. One second.

01:11:29 16 Sergeant, is that what you see on your
01:11:31 17 screen right now, General Order 340, Use of Deadly
01:11:35 18 Physical Force?

01:11:36 19 A. Correct.

01:11:37 20 MS. JONES: What's the Bates number on
01:11:38 21 this one?

01:11:39 22 MR. SHIELDS: COR 107.

01:11:43 23 MS. JONES: Thank you.

01:11:44 24 Q. Okay. So I'm going to fast-forward to the
01:11:48 25 bottom of the third page of this 15-page document.



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01:11:54 2 All right. So I've got it highlighted.

01:11:57 3 And that is section Roman numeral III and then B1 and

01:12:07 4 2. So it says "Members may use firearms against

01:12:08 5 animals when they are 1, attacking or presenting an

01:12:14 6 imminent danger to any person or 2, destructive,

01:12:18 7 injured or threatening with supervisory approval when

01:12:23 8 there's time to obtain it."

01:12:25 9 So, Sergeant, my question is, first, how

01:12:35 10 do you differentiate between whether a dog is an

01:12:44 11 imminent danger versus when it is threatening?

01:12:48 12 A. Are you talking about the difference

01:12:50 13 between bullet -- or point 1 and point 2?

01:12:54 14 Q. Correct.

01:12:54 15 A. I would say imminent danger is, it's

01:12:58 16 basically at your feet or close to being at you. And

01:13:02 17 then threatening is, I would say, their demeanor and

01:13:06 18 about to do that. That's the difference. That's my

01:13:10 19 interpretation.

01:13:11 20 Q. So with the prior examples I've given you

01:13:15 21 with the dog standing 10 feet away and barking and the

01:13:21 22 dog standing 10 feet away, barking and then running at

01:13:23 23 you, would that be a good way to differentiate 1 from

01:13:26 24 2?

01:13:26 25 MS. JONES: Objection.



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01:13:27 2 A. I would say a dog barking is not
01:13:29 3 threatening. I would say a dog barking and displaying
01:13:34 4 aggression in regards to their demeanor.

01:13:39 5 Imminent danger would be that -- that be
01:13:41 6 maybe threatening and then that same dog doing that
01:13:45 7 and then charging at me would be point 1, imminent
01:13:49 8 danger.

01:13:50 9 Q. Okay. So imminent danger would include
01:13:52 10 hey, like I -- it's running at you, you can't get
01:13:55 11 away, you're about to get injured, right?

01:13:58 12 A. Correct.

01:13:59 13 MS. JONES: Objection.

01:14:00 14 Q. And then 2 would be, that dog is scary but
01:14:03 15 it's not running at me?

01:14:05 16 A. Or I'm noticing that their -- its behavior
01:14:08 17 is -- could turn into number 1.

01:14:11 18 Q. Got it.

01:14:13 19 And so -- and another difference between 1
01:14:17 20 and 2 is that 2 -- it's a -- it's a time element,
01:14:23 21 right? 2 requires you to get supervisory approval if
01:14:28 22 there's time?

01:14:29 23 A. For that one, I would -- I would say it
01:14:33 24 may not be for -- it may not be for a dog. I think
01:14:37 25 that one -- for purposes of that, I've used it as in



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:14:40 2 regards to, we have a high deer population up here and
01:14:44 3 we have some areas where they get caught on fences.
01:14:47 4 And so that deer doesn't suffer, the deer is -- the
01:14:50 5 deer is put down which -- does that make sense?
01:14:52 6 That's supervisory approval saying -- if one of my
01:14:56 7 guys says hey, this deer is still alive, it's
01:14:58 8 about -- it's in bad condition, it's hung up on a
01:15:01 9 fence at one of our big cemeteries, I have to
01:15:04 10 shoot -- shoot the deer so it doesn't suffer.

01:15:07 11 Q. So I'll tell you that yes, in fact I do
01:15:11 12 understand because I obtained all of the firearm
01:15:13 13 discharge reports from 2015 to 2020 and the majority
01:15:17 14 of them were shooting deers, so.

01:15:19 15 A. Okay. So -- okay.

01:15:20 16 Q. Okay. I understand exactly what you're
01:15:24 17 talking about.

01:15:25 18 So the situation where you'd seek
01:15:30 19 supervisory approval would primarily be in a situation
01:15:33 20 with an injured deer?

01:15:35 21 A. Correct.

01:15:35 22 Q. Have you ever heard of anybody trying to
01:15:39 23 obtain supervisory approval prior to shooting a dog?

01:15:43 24 A. I have not been a part of those. I -- I
01:15:45 25 can't say that I've heard that either.



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:15:47 2 Q. Okay. So just to be clear, based on your
01:15:57 3 training that you've received, what -- are there any
01:16:03 4 other objective factors for how to assess whether a
01:16:07 5 dog is presenting an imminent danger to any person?

01:16:10 6 MS. JONES: Objection.

01:16:11 7 But go ahead.

01:16:11 8 A. I think every -- every situation is -- is
01:16:15 9 independent. Every officer has to make their own
01:16:19 10 individual assessment of what's going on there. I
01:16:23 11 don't think we can make a rough general -- generalization
01:16:24 12 of when they -- when and why they make their decision.

01:16:27 13 Q. Okay. So I guess my question is, you
01:16:31 14 know, have you ever watched, for example, videos to
01:16:36 15 learn how to assess whether a dog is in fact an
01:16:41 16 imminent danger?

01:16:41 17 A. I think --

01:16:42 18 MS. JONES: Objection.

01:16:43 19 But go ahead.

01:16:45 20 A. -- I think that Humane Society training
01:16:47 21 gave us different dog postures or positions maybe.

01:16:52 22 Q. Okay. Do you remember if that Humane
01:16:57 23 Society training included videos?

01:16:59 24 A. I don't -- I don't recall.

01:17:01 25 Q. Okay. What objective factors would you



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:17:10 2 consider to determine whether the dog is an imminent
01:17:15 3 danger?

01:17:16 4 MS. JONES: Objection.

01:17:17 5 But go ahead.

01:17:18 6 A. I -- again, I think I'll refer back to my
01:17:21 7 last statement. It's in every officer's own
01:17:25 8 interpretation of -- interpretation of that.

01:17:28 9 Q. Okay. For example, I think you said
01:17:29 10 earlier in the situation in 2015 you were like in an
01:17:35 11 enclosed space or something, you couldn't escape from
01:17:40 12 the yard. Wouldn't that be a factor if you're in
01:17:43 13 someone's yard?

01:17:43 14 MS. JONES: Objection.

01:17:44 15 A. 2015 was the search warrant.

01:17:46 16 Are you talking about the one in 20 like 6
01:17:49 17 or 7, the initial one?

01:17:51 18 Q. I think I was confused. And what I meant
01:17:55 19 to say was 2006 or '7.

01:17:59 20 A. Yes. Correct. It was attacking me. I
01:18:01 21 had nowhere to go. I had no other means of -- no
01:18:03 22 other means other than to shoot it. My attempts to
01:18:06 23 either yell at it or kick at it were unsuccessful.

01:18:10 24 Q. Okay. Would you consider whether there
01:18:12 25 are other people around?



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:18:13 2 A. Before discharging a firearm?

01:18:16 3 Q. Correct.

01:18:16 4 A. 100 percent.

01:18:17 5 Q. And would you consider whether you had
01:18:23 6 other non-lethal options available to you?

01:18:26 7 A. If I could use those and if they would be
01:18:29 8 effective. Like if someone was there to do that while
01:18:33 9 I was covering them. Does that make sense? If
01:18:35 10 someone had that availability to do that and then me
01:18:37 11 be a deadly physical force person as a backup.

01:18:41 12 Q. Got it.

01:18:42 13 A. Because if it was not successful, I'm
01:18:46 14 getting bit anyway.

01:18:46 15 Q. Well, you -- you might get bit. You might
01:18:51 16 not, right?

01:18:52 17 A. No. You're getting bit. Okay. I think
01:18:53 18 we're just debating. They're coming at us for a
01:18:58 19 reason. I don't think they're not going -- not going
01:19:00 20 to bite us if we don't take some sort of action.

01:19:04 21 Q. Do you -- do you own any dogs?

01:19:05 22 A. No.

01:19:06 23 Q. Have you ever owned a dog?

01:19:08 24 A. No. Well, in my childhood. I don't --

01:19:10 25 Q. Has a dog ever run up to you and not



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:19:13 2 bitten you?

01:19:14 3 A. Has a dog ever run up to me and not bitten
01:19:17 4 me?

01:19:17 5 Q. Correct.

01:19:18 6 A. Correct. But I'm assessing their
01:19:22 7 demeanor. But yes. Correct. I've been run up to and
01:19:24 8 not bit, yes.

01:19:25 9 Q. So maybe a dog will run up to you to greet
01:19:29 10 you?

01:19:30 11 A. Yes.

01:19:31 12 Q. And not simply to bite you, right?

01:19:35 13 MS. JONES: Objection.

01:19:36 14 A. Correct. But I think what I'm doing even
01:19:39 15 in -- in that situation, you're -- you're seeing their
01:19:41 16 demeanor from far away to close up. I think
01:19:45 17 that's -- I think that's the point I'm trying to make.

01:19:48 18 Q. Have you received any training about how
01:19:51 19 to assess whether a dog is running up to you to greet
01:19:55 20 you versus whether the dog is running up to you and
01:20:01 21 might bite you?

01:20:02 22 MS. JONES: Objection.

01:20:02 23 A. I believe I'll refer back to the prior
01:20:06 24 Humane Society document where they showed us, I think
01:20:09 25 it was, positions of a dog --



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2 Q. Okay.

01:20:11 3 A. -- or what -- or what they believed to be
01:20:13 4 positions of a dog and what that dog's possible state
01:20:16 5 is.

6 (The following exhibit was marked for
01:20:17 7 identification: Number EXH 10.)

01:20:17 8 Q. Okay. Just give me one second here.

01:20:41 9 All right. So I'm going to put up what
01:20:45 10 I've marked as Exhibit 10 and that's the PowerPoint
01:20:48 11 from that Humane Society training.

01:20:53 12 So on your screen right now, do you see a
01:20:57 13 document with the picture of an aggressive-looking dog
01:21:01 14 on the front entitled "Dog Bite Prevention For Law
01:21:06 15 Enforcement"?

01:21:06 16 A. Correct.

01:21:07 17 Q. And, Sergeant, do -- does this first page
01:21:13 18 of the document -- looking at that, does that refresh
01:21:17 19 your recollection as to whether or not you've seen
01:21:20 20 this document before?

01:21:20 21 A. Correct.

01:21:21 22 Q. Do you remember if you've seen this
01:21:27 23 document prior to your preparation with Ms. Jones this
01:21:32 24 morning?

01:21:32 25 A. At -- at that training. But other than



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01:21:35 2 that, no.

01:21:35 3 Q. Okay. At that training, did they give you
01:21:40 4 a copy of this document to take with you?

01:21:43 5 A. I don't recall.

01:21:44 6 Q. Okay. Between the training and this
01:21:49 7 morning, have you ever reviewed this document for any
01:21:52 8 reason?

01:21:52 9 A. I don't recall.

01:21:54 10 Q. Okay. And do you remember when you
01:22:00 11 received the training?

01:22:01 12 A. No, sir.

01:22:01 13 Q. All right. I just want to scroll through
01:22:06 14 this and ask you some questions.

01:22:12 15 The officer on the second page, Reno
01:22:17 16 Di Domenico, do you remember if he was the teacher at
01:22:20 17 the training?

01:22:20 18 A. I don't recall.

01:22:21 19 Q. Okay. All right. So on this page, which
01:22:33 20 is the fifth page of the PDF and it's COR 76, it says
01:22:43 21 "Officers will encounter a dog in at least one out of
01:22:46 22 three residences."

01:22:46 23 I think earlier you said about more than
01:22:49 24 half of residences have dogs in your experience.

01:22:52 25 MS. JONES: Objection.



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01:22:55 2 MR. SHIELDS: He said there's a greater
01:22:56 3 likelihood than not that he'd encounter a dog.

01:23:01 4 Q. Do you -- so somewhere between one and
01:23:06 5 three and maybe 50 percent, is that accurate, in your
01:23:10 6 experience?

01:23:10 7 A. Sure.

01:23:11 8 Q. All right. As we scroll through this, I'm
01:23:21 9 just going to ask you, do you remember any discussions
01:23:24 10 that were had about this page right here, problems for
01:23:28 11 law enforcement, from the training?

01:23:31 12 A. I don't -- I received the training. I
01:23:35 13 don't know when it -- when it was, nor like what we
01:23:38 14 talked about. Obviously, we went over these slides.
01:23:40 15 But after that, I haven't had discussions about it.

01:23:45 16 Q. Okay. Do you remember any discussions at
01:23:46 17 the training about this particular slide?

01:23:49 18 A. Nope. I imagine they hit the bullet
01:23:52 19 points and then moved on. Again, I don't -- I know we
01:23:55 20 had the training and then that's it. I don't recall
01:23:58 21 what discussions happened whenever this was.

01:24:00 22 Q. Okay. New York State law, do you remember
01:24:06 23 any discussions from the training about this
01:24:10 24 particular slide, which is marked as COR 79?

01:24:14 25 MS. JONES: Objection.



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:24:15 2 A. I would say the same answer for all those
01:24:17 3 slides.

01:24:21 4 Q. Okay. So you might save us some time by
01:24:24 5 doing that. So as we scroll through all these sides,
01:24:27 6 including this one that says "Fourth Amendment," your
01:24:31 7 answer is going to be you don't remember any specific
01:24:33 8 discussions about any of the information on any of the
01:24:35 9 slides?

01:24:36 10 A. Correct.

11 Q. Okay.

01:24:38 12 A. I remember that we hit the bullet points
01:24:40 13 and talked about them. I don't know about the
01:24:42 14 discussion that went on like in between the bullet
01:24:45 15 points or about the points.

01:24:48 16 Q. Okay. This page entitled "Dog Postures,"
01:24:54 17 COR 89, do you remember anything specific about these
01:25:01 18 dog postures as displayed on this page?

01:25:04 19 MS. JONES: Objection.

01:25:05 20 But go ahead.

01:25:06 21 A. I guess I would refer back to our prior
01:25:09 22 comments as what -- we went over what they are and how
01:25:13 23 to read them. And that's it. I don't remember
01:25:16 24 specifics of off -- not off topic. But other
01:25:21 25 than -- other than what's displayed here.



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:25:24 2 Q. Okay. So if we're not looking at this
01:25:27 3 page, you're out in the field, would you be able to
01:25:31 4 independently recall what a defensive threat posture
01:25:39 5 looks like?

01:25:39 6 A. Yes.

01:25:40 7 Q. Okay. How about an active posture?

01:25:45 8 A. Maybe. They look pretty close to the
01:25:51 9 same.

01:25:51 10 Q. Okay. So if you're out in the field,
01:25:53 11 would you be able to differentiate between a defensive
01:25:59 12 threat and an active appeasement?

01:26:00 13 A. I would probably treat them both the same
01:26:03 14 and watch what they're doing, their actions before
01:26:06 15 that, during this and after that, which is the
01:26:08 16 assessment I would make.

01:26:10 17 Q. All right. And do you remember any
01:26:13 18 discussions that were had at the training itself about
01:26:17 19 how to treat dogs differently based on their different
01:26:21 20 postures?

01:26:21 21 A. No. I think that's based on our
01:26:25 22 assessment, of me watching them figuring out what
01:26:29 23 they're doing.

01:26:29 24 Q. Okay. All right. So I'm assuming it's
01:26:37 25 the same answer for all of these other slides here



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:26:41 2 about, for example, aggression on page 93?

01:26:46 3 A. Correct. That's what I would be looking
01:26:48 4 for before, during and after, the dog's demeanor.

01:26:52 5 Q. Okay. But you don't remember any specific
01:27:00 6 discussion, for example, about this page, 94, fear and
01:27:05 7 aggression?

01:27:06 8 A. No.

01:27:07 9 Could you reflect -- could you tell me
01:27:09 10 when this was given? I don't even know when this was
01:27:13 11 given as -- as an instruction.

01:27:16 12 Q. Do you remember when you might have
01:27:19 13 received the training?

01:27:20 14 A. No. I think that's what I just asked you.
01:27:23 15 I don't know when it was.

01:27:24 16 MR. SHIELDS: Okay. I need to take just a
01:27:28 17 two-minute break to grab my computer charger, so I'll
01:27:33 18 be right back. I got to run to my other room.

01:27:38 19 THE VIDEOGRAPHER: Okay. The time is
01:27:40 20 1:27. We are off the record.

01:27:43 21 (The proceedings recessed at 1:27 p.m.)

01:37:04 22 (The proceedings reconvened at 1:37 p.m.;
23 appearances as before noted.)

24 THE VIDEOGRAPHER: We are on the record.
25 The time is 1:37. Please continue.



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

2 SERGEANT ERIC ALEXANDER, resumes;

01:37:05 3 CONTINUING EXAMINATION BY MR. SHIELDS:

01:37:05 4 Q. All right. So, Sergeant Alexander, we
01:37:09 5 just took a short break. Did you have the time -- did
01:37:13 6 you have time to talk with your attorney during that
01:37:16 7 break?

01:37:17 8 A. I did.

01:37:17 9 Q. And are there any questions that you
01:37:19 10 answered that you'd like to change your answer to
01:37:23 11 after speaking with your attorney?

01:37:25 12 A. No.

13 Q. Okay. So I'm going to put --

01:37:29 14 MS. JONES: Can I also add that we had a
01:37:31 15 discussion about federal rules and civil procedure 30
01:37:33 16 and whether or not we're supposed to state additional
17 information in between each segment of the recording.
01:37:38 18 And I have been informed that that's not how we're
01:37:43 19 supposed to do things. So I guess that information
01:37:44 20 won't appear at every segment. That's all.

01:37:47 21 MR. SHIELDS: And -- and for the record,
01:37:48 22 that information came from Maia, the owner of Alliance
01:37:53 23 Court Reporting and the court reporter -- I mean, I'm
01:37:55 24 sorry -- and the court videographer, Ken Williamson.

01:38:00 25 MS. JONES: I'm sorry. I think we just



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:38:02 2 have different interpretations of the federal rules.

01:38:04 3 So the city maintains its objection. We
4 would prefer to comply with the plain language of the
01:38:12 5 rule, but I'm not pressing the issue at this time.

01:38:14 6 MR. SHIELDS: Okay. Your objection is
01:38:15 7 noted. And we will proceed.

01:38:19 8 Q. All right. Sergeant, I'm just going to
01:38:23 9 ask a couple more questions about this Exhibit 10 that
01:38:28 10 we had on the screen before we took our break.

01:38:35 11 So we are on page Bates number COR 99,
01:38:42 12 "Appeasement." Is it fair to say that you don't
01:38:44 13 remember any specific discussions about this page?

01:38:47 14 A. It's safe to say about all the pages.

01:38:51 15 Q. Okay. All right. So let me just scroll
01:38:56 16 through these and see if I have any other specific
01:39:00 17 questions.

01:39:05 18 Page COR 108 where it says "Do you
01:39:08 19 approach these two dogs the same way," one named
01:39:13 20 Pepper, one named Baby, do you remember any specific
01:39:17 21 discussions about this page?

01:39:19 22 A. No.

01:39:20 23 Q. Okay. So it would be fair to say if you
01:39:25 24 found these dogs in the field during your work as a
01:39:28 25 police officer, you wouldn't be able to reference your



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1 SERGEANT ERIC ALEXANDER - BY MR. SHIELDS

01:39:33 2 training for how to interact with these dogs?

01:39:36 3 MS. JONES: Objection.

01:39:37 4 A. I'm making my own interpretation and
01:39:41 5 assessment of each dog every time I interact with it.

01:39:46 6 Q. Okay. And that assessment is just based
01:39:47 7 on your personal experience, not based on this
01:39:50 8 training document that we're looking at?

01:39:54 9 MS. JONES: Objection.

01:39:55 10 But go ahead.

01:39:56 11 A. I think that would be a reference to it.
01:39:58 12 But me -- me knowing some demeanor dealing with dogs,
01:40:03 13 I would say it's both. My interpretation and what
01:40:09 14 training that we were given. What I guess -- I
01:40:12 15 guess --

01:40:12 16 Q. Okay. But you don't remember anything
01:40:13 17 from the training, so you're not really referencing
01:40:13 18 the training, right?

01:40:16 19 A. No. You asked me about discussions about
01:40:19 20 the bullets. That's what you asked me. Am I correct?

01:40:21 21 Q. Sure.

01:40:24 22 I guess I asked you here on this page, you
01:40:26 23 know, if you remembered any specific discussions from
01:40:30 24 this page about how to approach these dogs
01:40:30 25 differently.



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